



Knowledgeable Notary

NEBRASKA SECRETARY OF STATE'S OFFICE NOTARY SECTION

John Gale
Secretary of State

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MESSAGE FROM JOHN GALE, SECRETARY OF STATE

CONSEQUENCES OF IMPROPER NOTARIZATION: COULD THIS HAPPEN TO YOU?

Notary legislation enacted in 2004 gave the Secretary of State the authority to investigate complaints filed with the Notary Section alleging malfeasance in office by a commissioned Notary Public. This same law allows the Secretary of State to either temporarily suspend or permanently revoke a notary's commission.

Three complaints recently filed with the Notary Section resulted in hearings being held, and the decisions handed down were that all three notary commissions be permanently revoked.

Here are the circumstances surrounding the improper notarizations:

The first complaint filed by a law enforcement agency stated that a notary was asked by a man to notarize a quit claim deed. After presenting his Nebraska driver's license, the notary had the gentleman sign the deed. The man signed his father's name on the deed. The notary then acknowledged the signature.

The second complaint alleged that the notary on multiple occasions used a co-worker's notary seal and forged the co-worker's signature on various documents. The notary neither admitted nor denied the allegations, but the notary did agree to permanent revocation of the commission.

The third incidence involved the notary acknowledging a signature of an individual on a deed of trust without requiring personal appearance of the document signer and no satisfactory evidence of identity of the individual.

As you can see, these are serious allegations as the three complaints all involved legal documents relating to the transfer of real estate. I felt that there should be serious consequences imposed on the notaries involved.

Do you ALWAYS require personal appearance of the document signer when notarizing? If you do not, you are opening yourself up to personal liability. You could face a possible lawsuit to reclaim damages and ultimately the loss of your notary commission, which may impair your ability to perform all aspects of your employment.

Notarization is a serious matter and certainly not something to be taken lightly.

NOTARY TESTING

Webster's Dictionary defines cheating, in part, as:

- 1) To deprive of something valuable by the use of deceit or fraud.
- 2) To violate rules dishonestly (as on an examination)/

You may be asking yourself: Why would the Notary Section provide the above definition in a newsletter about notary practices. Here's why:

Initial applicants wishing to become notaries must take and pass an open book test. Notaries who let their commissions expire are also required to test. The test consists of 10 true/false and 10 multiple choice questions. Applicants sign an oath after answering the test questions stating that "...under penalty of perjury I have personally completed the notary examination to the best of my ability based on my knowledge of Nebraska Notary law and without assistance from others."

Four individuals from the same company sent in their completed tests. All four missed the same two questions. Our Notary Section suspected that the applicants collaborated on the test answers and staff contacted the company. The company took this matter very seriously and interviewed their employees. The persons taking the test admitted that they had compared answers when taking the tests. The company imposed several disciplinary actions against their employees. Secretary Gale determined that these four individuals should be denied being issued a notary commission.

A commissioned notary is empowered to protect the public. If you do not study the Notary Handbook provided by our office and complete the test using your own knowledge of Notary law, you are not only cheating yourself, but the public as well.

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